

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED IN OPEN COURT.

DATE: 10-5-5

TIME: 2:42 PM

INITIALS: E

UNITED STATES OF AMERICA

Plaintiff,

vs.

GINA G. SMITH

Defendant.

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CR. NO. 05-20043-MI

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ORDER HOLDING DEFENDANT FOR REVOCATION HEARING

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On October 5, 2005, the defendant appeared before me on a charge of violation of the terms and conditions of her supervised release in this matter. The defendant was advised of her rights under FRCrP 5 and 32.1(a)(1) and counsel was appointed.

At this hearing, the defendant was released on bond and, therefore, a preliminary hearing on the violation was not required. See United States v. Sciuto, 531 F.2d 842, 846 (7th Cir. 1976); United States v. Tucker, 524 F.2d 77, 78 (5th Cir. 1975), cert. denied, 424 U.S. 966, 96 S.Ct. 1462, 47 L.Ed.2d 733 (1976).

Accordingly, defendant is held to a final revocation hearing, to be set on notice from the United States District Court and in accordance with the provisions of Rule 32.1(a)(2), Federal Rules of Criminal Procedure.

IT IS SO ORDERED this 5th day of October, 2005.

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 28 in case 2:05-CR-20043 was distributed by fax, mail, or direct printing on October 6, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT